

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:22-cv-00038-MR-WCM**

**THE ESTATE OF VIVIAN PROFITT )  
McDONALD, by and through )  
AMANDA EDWARDS, Co-Executor )  
and AMANDA EDWARDS, )  
Individually as Beneficiary, )**

**Plaintiff, )**

**vs. )**

**ORDER**

**NEW DAY FINANCIAL, LLC, )  
COMMONWEALTH REAL ESTATE )  
INFORMATION SERVICES, )  
MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEMS, INC., )  
SECRETARY OF HOUSING AND )  
URBAN DEVELOPMENT, TIMOTHY )  
V. ANDERSON, ANDERSON LAW, )  
and MICHAEL A. KUTYANA, )**

**Defendants. )**

**THIS MATTER** is before the Court on the Plaintiffs' Affidavit of Service [Doc. 29] and the Plaintiffs' Response to Order to Show Cause [Doc. 30].

On June 6, 2022, the Court entered an Order directing the Plaintiffs to show cause for their failure to effect service on the Defendants New Day Financial, LLC, Commonwealth Real Estate Information Services, Timothy V. Anderson, and Anderson Law. [Doc. 28]. The Plaintiffs were specifically

warned that failure to show good cause would result in the dismissal of these Defendants without prejudice. [Id.].

On June 13, 2022, the Plaintiffs filed an Affidavit of Service, indicating that Defendants New Day Financial, LLC, Timothy V. Anderson, and Anderson Law have been served. [Doc. 29]. On June 17, 2022, the Plaintiffs filed a Response to the Show Cause Order, explaining that the Defendant Commonwealth Real Estate Information Services (“Commonwealth”) cannot be located and is not capable of being served as it no longer exists. [Doc. 30]. The Plaintiffs indicate in their Response that they are amenable to the dismissal of Commonwealth as a party defendant in this action. [Id. at 3].

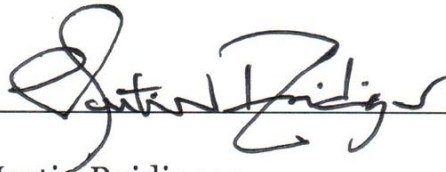
In light of the Plaintiffs’ Response, the Show Cause Order will be discharged, and Commonwealth will be dismissed as a party defendant. As for the other Defendants who were the subject of the Show Cause Order, the record indicates that none of the Defendants has appeared or otherwise defended this action. The Plaintiffs shall have fourteen (14) days from the entry of this Order to file an appropriate motion or otherwise take further action with respect to these Defendants. The Plaintiffs are advised that failure to take further action against these Defendants will result in the dismissal of these Defendants without further Order.

**IT IS, THEREFORE, ORDERED** that:

- (1) The Order to Show Cause [Doc. 28] is **DISCHARGED**;
- (2) The Defendant Commonwealth Real Estate Information Services is **DISMISSED WITHOUT PREJUDICE** from this action; and
- (3) The Plaintiffs shall, within fourteen (14) days from the entry of this Order, file an appropriate motion or otherwise take further action with respect to Defendants New Day Financial, LLC, Timothy V. Anderson, and Anderson Law. Failure of the Plaintiffs to take further action with respect to these Defendants will result in the dismissal of these Defendants without further Order.

**IT IS SO ORDERED.**

Signed: June 22, 2022

  
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Martin Reidinger  
Chief United States District Judge

